In the High Court of Judicature at Madras

Dated: 08.02.2007

Coram:

The Honourable Mr.Justice P.SATHASIVAM

and

The Honourable Mr.Justice N. PAUL VASANTHAKUMAR

Writ Appeal No.3020 of 2002

P.N.Srinivasan .. Appellant

Vs..

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Kancheepuram.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Kancheepuram.

3.The Executive Officer,
Arulmigu Ekambaranathar
Thirukovil, Chengalpattu. .. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent Appeal against the order of this Court passed in W.P.No.32223 of 2002 dated 07.08.2002. filed under Article 226 of the Constitution of India to issue a writ of certiorari calling for the records of the first respondent herein and his proceedings in ROC NO. Na.Ka.12133/99/E1- deated 22.07.2002 and quash the same.

For Appellant : Mr.Pon Ramkumar for
Mrs.AL.Ganthimathi

For respondents 1 & 2 : Mr.P.Subramanian,
Government Advocate

For 3rd respondent : Mr.T.Thirumaran

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JUDGMENT

(Judgment of the Court was delivered by P.SATHASIVAM,J.)

The above writ appeal is directed against the order dated 07.08.2002 made in W.P.No.32223 of 2002, in and by which, the learned single Judge has dismissed the writ petition at the admission stage, with liberty to file a revision or regular civil suit.

2.. Heard the learned counsel appearing for the appellant as well as the respondents.

3. On going through the relief prayed for and the proceedings of the first respondent dated 22.07.2002 as well as the order of the learned single Judge dated 07.08.2002, we are of the view that absolutely there is no ground to interfere with the said order. The learned single judge, after finding that the impugned proceedings cannot be canvassed by way of writ proceedings, has permitted the writ petitioner either to file a revision or a civil suit before the appropriate forum. Unfortunately, the writ petitioner, instead of availing such remedy, has filed the above writ appeal and obtained an order of stay.

4. In view of the grievance expressed by the third respondent, which is clear from the counter affidavit dated 03.02.2004, we are not inclined to show any further indulgence in favour of the appellant. Consequently, the writ appeal fails and the same is dismissed. However it is for the appellant to work out his remedy as per the order of the learned single Judge dated 07.08.2002, if the same is permissible at this juncture. No costs. Raa

Sd/
Asst.Registrar

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Sub Asst.Registrar

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To

1.The Joint Commissioner,
Hindu Religious and Charitable
Endowments Department,
Kancheepuram.

2.The Assistant Commissioner,
Hindu Religious and Charitable
Endowments Department,
Kancheepuram.

3.The Executive Officer,
Arulmigu Ekambaranathar
Thirukovil, Chengalpattu.

+ one cc to M/S. T. Thirumaran, Advocate sr no. 7571
+ one cc to A.L. Gandhthimathi, Advocate sr no. 8054
+ one cc to the Government Pleader sr no. 7787

ts(co)
nm(19.02.07)

W.A. No.3020 of 2002

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